

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Clague *et al*

Examiner: Maureen Wallenhorst

Serial No.: 10/826,994

Group Art Unit: 1799

Filing Date: 04/19/2004

Docket No.: P0021018.00US

Title: BLOOD COAGULATION TEST CARTRIDGE, SYSTEM, AND METHOD

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate Under 37 C.F.R. § 3.73(b)

Petitioner, Medtronic, Inc., a corporation of the State of Minnesota having a place of business at 710 Medtronic Parkway, Minneapolis, Minnesota, hereby represents that it is the exclusive owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/826,994, hereafter the "994 Application") and in and to U.S. Patent Application Serial No. 10/892,000 (hereinafter the "000 Application"), by virtue of the assignments executed in the applications. The assignment for the 994 application was recorded on August 3, 2004 at Reel 015628, Frames 0517-0521 in the United States Patent and Trademark Office. The assignment for the 000 Application was recorded on March 30, 2005 at Reel 015974, Frames 0294-303 in the United States Patent and Trademark Office.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner and to sign this Terminal Disclaimer.

Documents establishing the chain of title of the subject patent application (including the aforementioned assignments and notices from the United States Patent and Trademark Office noting their respective recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in the Petitioner.

Terminal Disclaimer

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the 994 Application that would extend beyond the expiration date of a full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the 000 application, not shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the 994 Application shall be enforceable only for and during such period that the legal title to such patent

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Page 2

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is commonly owned with that of any patented granted on the 000 Application. This agreement is to run with any patent granted on the above-identified 994 Application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer


In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the 994 Application prior to the expiration date of the full statutory term, not shortened by terminal disclaimer, of any patent granted in the 000 Application, if any or all of such patents: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge \$130.00 to Deposit Account No. 13-2546 for the fee required by 37 C.F.R. § 1.20(d). Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully submitted,

Date: February 28, 2008


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